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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CLAMP-SWING PRICING COMPANY,

Plaintiff,

v.

SUPER MARKET MERCHANDISING
AND SUPPLY, INC.,

Defendant.

Case No. CV-12-02445 WHO

**SECOND STIPULATION AND ORDER
REGARDING DISCOVERY DISPUTE
STATEMENTS AND EXPERT
DISCOVERY**

Judge: Hon. William H. Orrick
Trial Date: July 7, 2014
Complaint Filed: May 14, 2012
Amended Complaint Filed: September 26, 2012

Plaintiff Clamp-Swing Pricing Company (“Clamp-Swing”) and Defendant Super Market Merchandising and Supply, Inc. (“SMM”) (collectively, the “Parties”) through their respective counsel, hereby stipulate and ask the Court to Order as follows:

WHEREAS the Parties have agreed to provide certain requested information and make additional responsive documents available for inspection beyond the fact discovery cut-off date of October 11, 2013;

WHEREAS the Parties are engaging in meet-and-confer communications regarding such discovery;

WHEREAS the current deadline to file a discovery dispute statement with the Court is November 8, 2013;

WHEREAS the Parties seek a modification to this deadline to allow the Parties additional time to submit a discovery dispute statement;

WHEREAS the Parties have been ordered to attend a Settlement Conference on December 17, 2013;

WHEREAS the current deadline for the Parties to disclose expert witnesses and reports was set for December 9, 2013;

WHEREAS the Parties seek a modification of the expert discovery schedule and dispositive motion schedule in order to allow the parties to conduct the Settlement Conference prior to disclosure of expert witnesses and reports;

WHEREAS no change to the trial date or pre-trial conference is being proposed;

NOW, THEREFORE, the Parties agree that the schedule governing the last day for the Parties to submit a discovery dispute statement will be adjusted as follows:

Event	Current Deadline	Proposed Modification
Deadline to file discovery dispute statement	November 8, 2013	November 22, 2013
Initial expert witness disclosures and reports date	December 9, 2013	January 10, 2014
Rebuttal expert reports	January 8, 2014	February 7, 2014

1 Expert discovery cut-off date	January 24, 2014	February 21, 2014
2 Dispositive motion filing date	February 21, 2014	March 21, 2014
3 Dispositive motion hearing date	April 9, 2014	May 7, 2014
4 Pretrial conference	June 23, 2014 at 2:00 p.m.	No modification
5 Jury trial	July 7, 2014 at 8:30 a.m.	No modification

DATED: November 8, 2013

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By: /s/ Joseph V. Mauch

JOSEPH V. MAUCH

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Attorneys for Plaintiff
CLAMP-SWING PRICING COMPANY

DATED: November 8, 2013

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By: /s/ Benjamin J. Hodges

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By: /s/ Steve Nielson

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Attorneys for Defendant
SUPER MARKET MERCHANDISING AND
SUPPLY, INC.

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ATTESTATION

I hereby attest that, pursuant to Local Rule 5-1(i)(3), concurrence in the filing of the document has been obtained from the other Signatory (ies) for the conformed signature(s) (“/s/”) within this electronically-filed document.

DATED: November 8, 2013

SHARTSIS FRIESE LLP

By: /s/ Joseph V. Mauch

JOSEPH V. MAUCH

Attorneys for Plaintiff

CLAMP-SWING PRICING COMPANY

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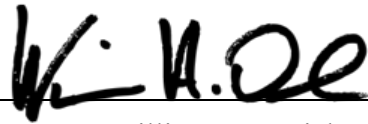
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ORDER

The above **SECOND STIPULATION AND ORDER REGARDING DISCOVERY DISPUTE STATEMENTS AND EXPERT DISCOVERY** is approved and all parties shall comply with its provisions.

IT IS SO ORDERED.

Dated: November 12, 2013



Hon. William H. Orrick
U.S. District Court Judge

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